

JOSEPH P. RUSSONIELLO (CSBN 44332)
 United States Attorney
 JOANN M. SWANSON (CSBN 88143)
 Chief, Civil Division
 MELANIE L. PROCTOR (CSBN 228971)
 Melanie.Proctor@usdoj.gov
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 Telephone: (415) 436-6730
 FAX: (415) 436-7169

Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

AMERICAN SMALL BUSINESS)	No. C 08-0829 MHP
LEAGUE,)	
)	
Plaintiff,)	
)	JOINT MOTION TO BE EXCUSED
v.)	FROM THE FORMAL ADR PROCESS
)	and PROPOSED ORDER
UNITED STATES SMALL BUSINESS)	
ADMINISTRATION)	
)	
Defendant.)	

Each of the undersigned certifies that he or she has read either the handbook entitled “Dispute Resolution Procedures in the Northern District of California,” or the specified portions of the ADR Unit’s Internet site <www.adr.cand.uscourts.gov>, discussed the available dispute resolution options provided by the court and private entities, and considered whether this case might benefit from any of them.

Here, the parties agree that referral to a formal ADR process will not be beneficial because this action is limited to Plaintiff’s request that this Court review Defendant’s denial of his Freedom of Information Act request. Defendant avers that it does not have any responsive records. Given the substance of the action and the lack of any potential middle ground, ADR will only serve to multiply the proceedings and unnecessarily tax court resources. Accordingly, pursuant to ADR L.R. 3-3(c), the parties request the case be removed from the ADR Multi-Option Program and that

